

**Appl. No.** : 10/810,660  
**Filed** : March 29, 2004

### **REMARKS**

The Applicants thank the Examiner for allowing Claims 4, 7, 10, 13, and 16-19. Although the Applicants rewrote Claim 4 to be in independent form in their May 2, 2006 response, they neglected to change the starting article of the preamble. Accordingly, Claim 4 is amended herein to change the starting article from "The" to "A." Additionally, although the Examiner indicated in the first Office Action that Claims 17 and 18 would be allowable if rewritten in independent form and reiterated in the present Office Action that Claims 17 and 18 are allowed, the Applicants mistakenly failed to rewrite these claims. Accordingly, Claims 17 and 18 have been amended herein to be in independent form. No new matter has been introduced by these amendments.

Independent Claims 1 and 27 have been amended to specify that the claims are directed to a pre-release structure that contains a sacrificial layer. The amendments further specify that the conductor of the second electrode is susceptible to etching by an etchant that is suitable to remove the sacrificial layer. Thus, these claims recite structures with material properties such that the sacrificial material and the second electrode's conductor layer are susceptible to etching by an etchant, and the first material layer protects the second electrode from etching by the same etchant. Support for these amendments may be found in the specification, for example, on page 4, line 25 to page 5, line 4; page 5, lines 9-12; page 6, lines 8-11; page 6, line 24 to page 7, line 2; page 10, lines 13-17; page 13, lines 8-13; page 16, lines 8-14; and Figures 4B, 5C, and 6C. No new matter has been introduced by these amendments.

Claims 4, 7, 10, 13, and 16-19 are allowed. Claims 1-3, 5-6, 8-9, 11-12, 14-15, and 20-37 remain pending. The Applicants have carefully considered the Examiner's rejections of the pending claims but respectfully submit that the claims are allowable for at least the reasons discussed below.

#### Rejections under § 102 and 103

The Examiner maintained rejections of Claims 1-3, 5-6, 11-12, 14-15, 29, 24-28, 31-32, and 36-37 under 35 U.S.C. § 102(b) as being anticipated by Miles (U.S. Patent No. 5,835,255) and Claims 8, 9, 30, 34, and 35 under 35 U.S.C. § 103(a) as being obvious over Miles in view of Gotoh et al. (U.S. Patent No. 5,824,608). As noted above, as amended, independent Claims 1 and 27 and their corresponding dependent claims recite a sacrificial layer, and that the conductor

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in the second electrode is susceptible to etching by an etchant that is suitable to remove the sacrificial layer. The claims also recite that the material layer protects the second electrode from etching when the sacrificial layer is removed using such an etchant. Thus, material properties of three features are recited: the sacrificial layer and conductor of the second electrode are both susceptible to a release etchant whereas the first material layer protects against that etchant.

In contrast, Miles specifies a sacrificial layer having the "key requirement[]" of being "soluble in water." Miles, column 19, lines 12-14. Miles gives as examples lithium fluoride, aluminum fluoride, and sodium chloride. Miles, column 19, lines 14-16. The metallic film used for the secondary conductor/mirror layer in Miles is insoluble in water. The release etch disclosed by Miles involves placing the pre-release structure in water, which serves as the release etchant. Miles, column 20, lines 1-4. Thus, the identified secondary conductor/mirror layer in Miles is not disclosed as susceptible to etching by any etchant suitable to remove the sacrificial layer. In fact, using the exemplary release etchant of Miles (water), the conductor is explicitly not susceptible to etching. Accordingly, Miles does not disclose the pre-release structure claimed in Claims 1-3, 5-6, 11-12, 14-15, 29, 24-28, 31-32, and 36-37. Gotoh et al. also does not teach the claimed pre-release structure. Therefore, the Applicants respectfully submit that the claims are not anticipated by or obvious over the cited art.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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